

Senate Joint Resolution

No. 1

**Introduced by Senators Wolk, Corbett, DeSaulnier, Hancock, Hill,
Leno, and Yee**

**(Coauthors: Senators Beall, Block, Calderon, De León, Evans,
Jackson, Lara, Lieu, Liu, Monning, Padilla, Pavley, Price, and
Steinberg)**

*(Coauthors: Assembly Members Alejo, Ammiano, Atkins, Bloom,
Bocanegra, Bonilla, Bonta, Bradford, Brown, Buchanan,
Ian Calderon, Campos, Chau, Chesbro, Dickinson, Fong, Garcia,
Gatto, Gomez, Gonzalez, Gordon, Hall, Roger Hernández, Holden,
Jones-Sawyer, Levine, Lowenthal, Medina, Mitchell, Mullin,
Muratsuchi, Nazarian, Pan, Perea, John A. Pérez, Quirk, Rendon,
Skinner, Stone, Ting, Weber, Wieckowski, Williams, and Yamada)*

January 18, 2013

Senate Joint Resolution No. 1—Relative to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SJR 1, as amended, Wolk. Firearms control.

This measure would urge the President and the Congress of the United States to develop a comprehensive federal approach to reducing and preventing gun violence, promptly place assault weapons and high-capacity assault magazines under the scope of the National Firearms Act, and require a universal background check through the National Instant Criminal Background Check System (NICS) for the transfer of all firearms. This measure would additionally urge the President to take steps to ensure all states and applicable federal agencies are reporting all necessary records to the NICS.

Fiscal committee: no.

1 WHEREAS, The Sandy Hook Elementary School mass shooting
2 in Newtown, Connecticut, which resulted in the death of 20
3 children and 6 adults, demonstrated the need for stronger laws to
4 prevent gun violence; and

5 WHEREAS, Numerous factors contribute to the occurrence of
6 mass shootings, including unregulated access to assault weapons
7 and assault magazines, insufficient background checks, and needed
8 improvements to our mental health system, among others; and

9 WHEREAS, Semiautomatic assault weapons designed with
10 military features allow for the rapid fire of potentially large
11 numbers of bullets, and are distinguishable from standard sporting
12 firearms by features such as the ability to accept a detachable
13 magazine, pistol grips, and folding or telescoping stocks; and

14 WHEREAS, Semiautomatic assault weapons are frequently
15 used in mass shootings, including the 1993 101 California Street
16 shooting in San Francisco that involved two TEC-9 semiautomatic
17 handguns, and the recent Aurora, Colorado, shooting that involved
18 an AR-15 style semiautomatic assault rifle with a 100-round
19 ammunition drum; and

20 WHEREAS, The United States Supreme Court has affirmed
21 once and for all that Americans have a right to keep and bear arms.
22 However, as conservative justice Antonin Scalia outlined, the
23 District of Columbia v. Heller decision does not prohibit laws
24 forbidding firearms in places such as schools or regulation of
25 unusually dangerous weapons, nor does it restrict laws prohibiting
26 felons and the mentally ill from carrying guns; and

27 WHEREAS, The National Firearms Act of 1934 regulates the
28 possession and transfer of fully automatic machine guns through
29 background checks, registration, and excise taxes, but individual
30 states are able to enact their own stronger gun legislation and
31 regulations which may or may not be similar to other states; and

32 WHEREAS, Seven states, including California, have enacted
33 laws strictly regulating the possession, manufacture, and transfer
34 of assault weapons; and

35 WHEREAS, Because our borders are porous and only a small
36 number of states regulate assault weapons and high-capacity assault
37 magazines, states, like California, that take steps to protect their
38 communities from these weapons are vulnerable to criminals who
39 use those weapons without a comprehensive federal approach to
40 curb gun violence; and

1 WHEREAS, It is estimated that 40 percent of firearm transfers
2 are completed without a federal background check, including the
3 transfer of semiautomatic firearms from a private collection; and

4 WHEREAS, California requires background checks for all
5 firearms sales and transfers through various means; and

6 WHEREAS, Nine categories of individuals are prohibited from
7 purchasing and possessing firearms, including the dangerously
8 mentally ill; and

9 WHEREAS, Mental health records are reported by the state and
10 imported into the National Instant Criminal Background Check
11 System, but currently many state and federal agencies are not fully
12 participating in this system; now, therefore, be it

13 *Resolved by the Senate and the Assembly of the State of*
14 *California, jointly,* That a comprehensive federal approach to
15 reducing and preventing gun violence is needed to protect the
16 Second Amendment rights of law abiding citizens while ensuring
17 that our communities are safe from future mass shootings; and be
18 it further

19 *Resolved,* That the Legislature urges the President and the
20 Congress of the United States to promptly place under the scope
21 of the National Firearms Act generically defined assault weapons,
22 as now is the case with California, and high-capacity assault
23 magazines; and be it further

24 *Resolved,* That a universal background check through the
25 National Instant Criminal Background Check System should be
26 required for the transfer of all firearms; and be it further

27 *Resolved,* That the President of the United States should take
28 steps to ensure all states and applicable federal agencies are
29 reporting all necessary records to the National Instant Criminal
30 Background Check System; and be it further

31 *Resolved,* That the Secretary of the Senate transmit copies of
32 this resolution to the President and Vice President of the United
33 States, to the Speaker of the House of Representatives, to the
34 Majority Leader of the Senate, to each Senator and Representative
35 from California in the Congress of the United States, and to the
36 author for appropriate distribution.